(22)

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ petition (C) No.5172/2007**

**Single Bench:** **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

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|---|---|---|
| **Petitioner** (Insurer) | | The New India Assurance Company Limited, Through the Divisional Manager, The New India Assurance Company Ltd., Second Floor, Rama Trade Center, Bus Stand Road, Bilaspur (Chhattisgarh) |
| | | **Versus** |
| **Respondents** (Owner) | 1. | Anant Kumar Dewangan S/o Shri D.R. Dewangan, Age Unknown R/o Quarter No.121/D, Resali Sector-Bhilai, P.S. Navai, District-Durg (CG) |
| **(Driver)** | 2. | Umesh Kumar Verma, S/o Shri G.P. Verma, age unknow, R/o Quarter No.80/D, Resali Sector-Bhilai, P.S. Navai, District-Durg (CG) |
| **(Claimant)** | 3. | Shiv Shankar Dubey, S/o Parshu Ram Dubey, aged about 34 years, R/o House No.15/5, Vasundhara Nagar, Bhilai-3, District Durg (CG) presently residing at Mishra Bhawan, Kohka Road, Bhilai, District Durg (CG) |

**Writ petition under Article 227 of the Constitution of India**

**Present**:-
Shri Sourabh Sharma, counsel for the petitioner.

**ORAL ORDER**

(Passed on 27th August, 2007)

Heard on admission.

(2) Learned counsel for the petitioner did not dispute that the offending vehicle was under a valid policy of insurance and risk of the passengers travelling in the vehicle was covered only to the extent of Rs.50,000/-.

(3) The sole ground urged by the learned counsel for the petitioner is that the offending vehicle insured for private use was being used as a commercial vehicle. However, upon a perusal of the impugned award I find that no evidence was led to substantiate the ground urged by the learned counsel for the petitioner.

(4) In view of the above, I find no merit in this writ petition which is dismissed at the stage of admission.

**Sd-/**
**Dilip Raosaheb Deshmukh**
**Judge**